

\*\*E-Filed 8/25/2010\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EVELYN SABBAG, Derivatively on Behalf of  
AKEENA SOLAR, INC.,

**Plaintiff,**

V.

BARRY CINNAMON, GARY EFFREN,  
EDWARD ROFFMAN, JON WITKIN, GEORGE  
LAURO, and DAVID WALLACE.

**Defendant.**

-and-

AKEENA SOLAR, INC., a Delaware Corporation,  
Nominal Defendant.

VINCENT F. CILURZO and AUDREY T. CILURZO, Derivatively on Behalf of AKEENA SOLAR, INC.,

**Plaintiff.**

V.

BARRY CINNAMON, EDWARD ROFFMAN,  
GARY EFFREN, GEORGE LAURO, DAVID  
WALLACE, and JON WITKIN.

**Defendant.**

-and-

AKEENA SOLAR, INC., a Delaware Corporation,  
Nominal Defendant.

Case Number 10-CV-02735-JF (HRL)

ORDER<sup>1</sup> RE STIPULATION  
CONSOLIDATING ACTIONS,  
APPOINTING LEAD COUNSEL, AND  
RELATED MATTERS

[RE: Doc. No. 15]

Case Number 10-CV-02806-JF

<sup>1</sup> This disposition is not designated for publication in the official reports.

1 DONALD A. TRISKETT, Derivatively on Behalf  
2 of AKEENA SOLAR, INC.,

3 Plaintiff,

4 v.

5 BARRY CINNAMON, GARY EFFREN,  
6 EDWARD ROFFMAN, and JON WITKIN,

7 Defendant,

8 -and-

9 AKEENA SOLAR, INC., a Delaware Corporation,

10 Nominal Defendant

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11 DANIEL JAQUEZ, Derivatively on Behalf of  
12 AKEENA SOLAR, INC.,

13 Plaintiff,

14 v.

15 BARRY CINNAMON, PRADEEP JOTWANI, ED  
16 ROFFMAN, JON MATHEW WITKIN, GARY  
17 EFFREN, and DOES 1-20,

18 Defendant,

19 -and-

20 AKEENA SOLAR, INC., a Delaware Corporation,

21 Nominal Defendant

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22 JOHN R. KLEIN, Derivatively on Behalf of  
23 AKEENA SOLAR, INC.,

24 Plaintiff,

25 v.

26 BARRY CINNAMON, GARY EFFREN,  
27 EDWARD ROFFMAN, AND JON WITKIN,

28 Defendant,

-and-

AKEENA SOLAR, INC., a Delaware Corporation,

Nominal Defendant

Case Number 10-CV-02992-JF

Case Number 10-CV-03020-JF

Case Number 10-CV-03387-PVT

On July 30, 2010, the plaintiffs listed in case numbers 10-CV-02735-JF (HRL), 10-CV-02806-JF, 10-CV-02992-JF, and 10-CV-03020-JF (collectively “Stipulating Plaintiffs”) filed a stipulated motion to consolidate certain actions, appoint lead counsel, and set a schedule for the consolidated action. On August 3, 2010, John Klein (“Objecting Plaintiff”) filed an administrative motion to consider whether his case should be related to the Stipulating Plaintiffs’ action and otherwise objected to Stipulating Plaintiffs’ motion. On August 5, 2010, Stipulating Plaintiffs filed a response to Objecting Plaintiff’s motion. On August 6, 2010, Defendants filed a Joinder to Stipulating Plaintiffs’ response.

The Court has considered all of the documents identified above. It appears that all parties agree that their cases are related. Accordingly, the clerk shall reassign *Klein v. Cinnamon, et al.*, Case No. 10-CV-03387-PVT to the undersigned. Moreover, the following cases are consolidated for all purposes:

- *Sabbag v. Cinnamon, et al.*, Case No. 10-CV-02735-JF;
- *Cilurzo, et al. v. Cinnamon, et al.*, Case No. 10-CV-02806-JF;
- *Triskett v. Cinnamon, et al.*, Case No. 10-CV-02992-JF;
- *Jaquez v. Cinnamon, et al.*, Case No. 10-CV-03020-JF; and
- *Klein v. Cinnamon, et al.*, Case No. 10-CV-03387-PVT.

The files of the consolidated action shall be maintained in one file under File No. 10-CV-02735-JF (HRL).

The parties do not appear to have reached agreement with respect to the appointment of lead counsel or an appropriate case management schedule. Accordingly, a Case Management Conference is hereby set for Friday, September 3, 2010 at 10:30 am. Counsel may appear telephonically. Any telephonic appearance must be arranged by calling Court Call at (866) 582-6878 in advance of the conference.

## ORDER

- (1) Objecting Plaintiff's administrative motion to relate *Klein v. Cinnamon, et al.*, to the instant case is hereby GRANTED;
- (2) The above-listed cases are CONSOLIDATED; and
- (3) A Case Management Conference is set for September 3, 2010 at 10:30 am to discuss appointment of lead counsel and the case schedule.

IT IS SO ORDERED.

DATED: 8/25/2010

~~JEREMY FOGEY~~ *K*  
United States District Judge